

**REMARKS**

The claims presently before the Examiner are claims 21 – 27. Support for these claims can be found on pages 10 and 11 of the specification. Old claim 21 has been amended to overcome the 35 U.S.C. §112 rejections by the Examiner. In similar fashion, and for the same reason, claim 22 has been amended.

It is believed that no additional fee is required as the claims presently before the Examiner are fewer than the number of claims originally paid for. Further, this communication is in response to a Final Office Action mailed on May 25, 2005. The Office Action set a shortened statutory period for response at three months. Since this communication is being forwarded to the Patent Office prior to the expiration of that initial two-month period, it is believed that no extension fees are required.

Contemporaneously filed herewith is a Disclosure Statement regarding the citation to *"The Theory and Practice of Industrial Pharmacy"*. This is a textbook of some 282 pages. Attached to the Information Disclosure Statement are pages 399 – 407 of the subject book. This portion of the text relates to the rotary die process for soft capsule manufacturing. The Applicant hopes that the Examiner will initial and return the Information Disclosure Statement.

Also filed contemporaneously filed herewith are Terminal Disclaimers to overcome the obviousness-type double patenting rejection made out by the Examiner. The two patents over which the Examiner has claimed a double patenting are U.S. Patent Nos. 6,745,546 and 6,884,060. Both of these patents were filed on November 2, 2001. This application is a divisional to U.S. Patent No. 6,745,546.

The Examiner has also stated that claims 21 – 27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 18 of U.S. Patent No. 6,884,060, in view of Schonamann et al., U.S. Patent No. 4,894,978. The

Applicant's respectfully traverse this rejection. The Examiner has stated that Schonmann et al. teaches a valved injection wedge for transporting different materials and adapted to switch between different materials. It is respectfully submitted that the Examiner is incorrect. There is no valve taught or suggested in Schonmann et al. The Examiner's recitation of Fig. 5, column 5, in lines 10 – 22 of Schonmann, does not show an injection wedge. Schonmann teaches that two active ingredients and two different carrier substances or phases can be present in the filling. See column 2, lines 51-55. Further, the Schonmann method is for manufacturing a molded body in that at least two active ingredients with their associated carrier are introduced or filled at the same time in a soft capsule. See column 2, lines 15 – 20.

Most importantly, Schonmann et al. teaches at column 3, lines 1 – 4, of "that the at least two filling substances (active ingredient plus carrier) are filled or injected into the body or capsule at the same time." There is simply no teaching or suggestion of a valved injection wedge which would allow one to select one of two different fills for the soft capsule. In light of this major limitation in the reference, it is requested that the Examiner's rejection of the claims, under the claims be withdrawn.

#### **REJECTION OF CLAIMS**

Claim 26 has been amended to overcome the Examiner's rejection by the addition of the word "and".

#### **Claim Rejection under 35 USC §112**

Claim 21 has been amended to add the necessary structural connections so as to provide a means for the ribbon to be transported from the casting drum to the encapsulation region.

Claim 21 has been amended to delete the words "on demand".

Claim 21 has been amended to eliminate the phrase "used to transport...to an extrusion device". The phrase now reads "a pumping means to transport said molten polymer to an extrusion device".

Claim 21 has been amended to render it more definite by replacing "active" and "placebo" fill with "first" fill and "second" fill. Further, the phrase "adapted to switch between the placebo fill and the active fill" has been deleted and replaced with "for randomly selecting between the first fill material and the second fill material".

In light of these amendments, it is respectfully submitted that all of the rejections under 35 U.S.C. §112 have been overcome. Withdrawal of those rejections is respectfully requested.

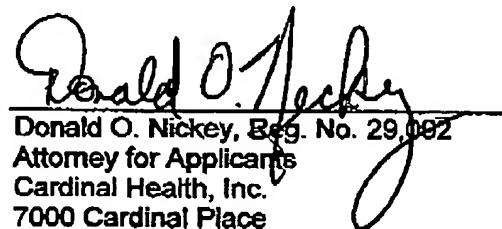
#### Conclusion

It is believed that each and every objection and rejection raised by the Examiner has been overcome in light of the amendment to the claims and these remarks. Applicants believe that the claims presently before the Examiner are in a condition for allowance and allowance is respectfully solicited. Applicants' undersigned Attorney proposes to contact the Examiner on or about August 22, 2005 to determine the status of the case. Should the Examiner have any questions prior to passing this case onto allowance, he is invited to contact Applicants' undersigned representative.

Respectfully submitted,

Dated: July 25, 2005

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